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**MAR 28 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Tournier-Lasserve, et al. : DECISION ON APPLICATION  
Application No. 10/019,434 : FOR PATENT TERM ADJUSTMENT  
Filed: May 7, 2002 :  
Atty. Dkt. No.: 03715.0102 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT--PRE-GRANT," filed October 2, 2007.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED TO THE EXTENT INDICATED HEREIN.

The correct determination of PTA at the time of the mailing of the Notice of Allowance is 411 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed July 2, 2007, indicated a patent term adjustment (PTA) to date of 233 days. The instant application for PTA was timely filed October 2, 2007.

Applicants do not contest the adjustment of 386 days under 37 CFR 1.702(a)(1) accorded for failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed.

Applicants do not contest the reduction of 61 days under 37 CFR 1.704(b) accorded in connection with the response to election/restriction requirement, filed December 27, 2004.

Applicants do not contest the reduction of 92 days under 37 CFR 1.704(b) accorded in connection with the response after non-final Office action, filed January 24, 2007.

Applicants make reference to the requirement for information under 37 CFR 1.105 mailed March 7, 2005. Applicants are unsure whether the Office assessed an adjustment or reduction in connection with the requirement for information

A requirement for information under 37 CFR 1.105 is issued as a result of examination conducted pursuant to 35 U.S.C. 131. As such, a requirement for information is a notification under 35 U.S.C. 132. See, generally, MPEP 2731. Accordingly, issuance of a requirement for

information and an untimely filed response thereto impacts the calculation of adjustment.

In view thereof, a reduction of 56 days in accordance with 37 CFR 1.704(b) must be assessed in connection with the reply to the requirement for information filed August 2, 2005. The reduction began June 8, 2005, the day after the date that is three months after the date that the requirement for information was mailed, and ended August 2, 2005, the date a reply thereto was filed.

Further, the application is entitled to an adjustment of 234 days, as argued, in accordance with 37 CFR 1.702(a)(2) in connection with the mailing of the non-final Office action on July 24, 2006. The adjustment began December 3, 2005, the day after the date that is four months after the date that a reply to the requirement for information was filed, and ended July 24, 2006, the date that the non-final Office action was mailed.

In view thereof, at the time of allowance, the application is entitled to an overall adjustment of 411 days (adjustments totaling 620 days less reductions totaling 209 days).

Receipt is hereby acknowledged of the required PTA application fee of \$200.00.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Thursday  
Date: 3/27/2008

**PALM INTRANET**

Time: 14:49:38

**PTA Calculations for Application: 10/019434**

Application Filing Date:	05/07/2002	PTO Delay (PTO):	386
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	153
Post-Issue Petitions:	0	Total PTA (days):	411
PTO Delay Adjustment:	178		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
53	03/27/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	178		
42	07/02/2007	MAIL NOTICE OF ALLOWANCE			
41	06/27/2007	ISSUE REVISION COMPLETED			
40	06/27/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
39	06/26/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
38	06/26/2007	DOCUMENT VERIFICATION			
37	06/27/2002	CORRECTED FILING RECEIPT			
36	06/26/2007	NOTICE OF ALLOWABILITY			
35	06/22/2007	DATE FORWARDED TO EXAMINER			
34	06/15/2007	AMENDMENT AFTER FINAL REJECTION			
33	04/17/2007	MAIL FINAL REJECTION (PTOL - 326)			
32	04/13/2007	FINAL REJECTION			
31	02/02/2007	DATE FORWARDED TO EXAMINER			
30	01/24/2007	RESPONSE AFTER NON-FINAL ACTION		92	28
29	01/24/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
28	07/24/2006	MAIL NON-FINAL REJECTION			
27	07/20/2006	NON-FINAL REJECTION			
25	04/08/2005	CORRESPONDENCE ADDRESS CHANGE			
24	03/07/2005	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
23	03/03/2005	MISCELLANEOUS ACTION WITH SSP			
22	01/10/2005	DATE FORWARDED TO EXAMINER			
21	12/27/2004	RESPONSE TO ELECTION / RESTRICTION FILED		61	17
20	12/27/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			

19	12/27/2004	WORKFLOW INCOMING AMENDMENT IFW			
18	07/12/2004	MISCELLANEOUS INCOMING LETTER			
17	07/27/2004	MAIL RESTRICTION REQUIREMENT	386		-1
16	07/23/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
15	10/27/2003	PRELIMINARY AMENDMENT			
14	09/11/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	07/05/2003	CASE DOCKETED TO EXAMINER IN GAU			
12	05/26/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	10/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
9	07/02/2002	APPLICATION DISPATCHED FROM OIPE			
8	06/20/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
7	06/06/2002	NOTICE OF DO/EO ACCEPTANCE MAILED			
6	05/07/2002	ADDITIONAL APPLICATION FILING FEES			
5	05/07/2002	INFORMATION DISCLOSURE STATEMENTS			
4	05/07/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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From

December 2005

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

To

July 2006

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Day of Year: 2005 337

Today

Day of Year: 2006 205

Today

Differences

Enter a number of DAYS (such as 7 or -7) or MONTHS (such as 60 or -60) relative to the "From" Calendar. Press ENTER and the result appears in the "To" Calendar.

Whole MONTHS difference will compute the maximum valid TO day for the resulting TO Month. For example, 1 Month from Aug 31 will be Sep 30, since Sep has only 30 days.

Type Days or Months value, then press ENTER

DAYS

233

WHOLE MONTHS

JCalendarCalcAWT V 1.1c BETA (c) 1999 - 2002 Publish or Perish Software Press

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From

June 2005

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

To

August 2005

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Day of Year: 2005 159

Today

Day of Year: 2005 214

Today

Differences

Enter a number of DAYS (such as 7 or -7) or MONTHS (such as 60 or -60) relative to the "From" Calendar. Press ENTER and the result appears in the "To" Calendar.

Whole MONTHS difference will compute the maximum valid TO day for the resulting TO Month. For example, 1 Month from Aug 31 will be Sep 30, since Sep has only 30 days.

Type Days or Months value, then press ENTER

DAYS

55

WHOLE MONTHS

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